

1 HONORABLE JOHN H. CHUN  
2  
3  
4  
5  
6  
7

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 STUART REGES,  
9  
10

*Plaintiff,*

v.

11 ANA MARI CAUCE, et al.,  
12  
13

*Defendants.*

CASE NO. 2:22-cv-00964-JHC

NOTE ON MOTION CALENDAR:  
August 14, 2023

14 **STIPULATED MOTION TO AMEND SCHEDULING ORDER**

15 1. As permitted by Fed. R. Civ. P. 16(b)(4) and LCR 10(g) and the Court's  
16 Minute Order Setting Trial Date and Related Dates ("Scheduling Order"), ECF No.  
17 39, the parties jointly move the Court to amend the Scheduling Order. The Court  
18 may, by order and for good cause, amend a scheduling order. Fed. R. Civ. P.  
19 16(b)(4). "Rule 16(b)'s 'good cause' standard primarily considers the diligence of the  
20 party seeking the amendment." *Rain Gutter Pros, LLC v. MGP Mfg., LLC*, No. C14-  
21 0458 RSM, 2015 WL 6030678, at \*1 (W.D. Wa. Oct. 15, 2015) (citing *Johnson v.*  
22 *Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)).

23 STIPULATED MOTION TO AMEND  
SCHEDULING ORDER  
(2:22-cv-00964)

24 1

FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION  
700 Pennsylvania Avenue SE, Suite 340  
Washington, DC 20003  
Tel: (215) 717-3473

1       2.     Good cause exists for amending the Scheduling Order because: (1)  
2 Plaintiff filed and served his Amended Complaint on August 1, 2023 and  
3 Defendants anticipate submitting a motion to dismiss no later than September 1,  
4 2023; (2) Plaintiff's lead counsel was on medical leave from July 25, 2023 to August  
5 7, 2023; (3) another member of Plaintiff's counsel team is on parental leave until  
6 September 5, 2023; (4) an attorney has been added to Plaintiff's counsel team as of  
7 August 8, 2023; (5) the parties, although diligently engaging in discovery, are  
8 investigating potentially outstanding written discovery and working to schedule  
9 additional depositions; (6) a modest extension of approximately 30 days to the  
10 unexpired deadlines will provide the parties sufficient time to complete discovery in  
11 a manner that serves the interests of justice; and (7) the requested extension will  
12 allow new and returning members of Plaintiff's counsel team to thoroughly  
13 understand the facts and claims of this case.

14       3.     The parties have diligently conducted discovery in this matter, and  
15 continue to do so.

16       4.     Having shown good cause, and given the parties' diligence in  
17 requesting an amendment one week after Plaintiff's lead counsel returned from  
18 medical leave, the parties request that the Court grant their Stipulated Motion to  
19 Amend the Order Setting Trial and Related Dates, extending the deadlines in the  
20 Scheduling Order, ECF No. 39, to those proposed in ¶ 5.

21       5.     The parties move for the following amendments to the scheduling  
22 order:

23 STIPULATED MOTION TO AMEND  
SCHEDULING ORDER  
(2:22-cv-00964)

24 2

FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION  
700 Pennsylvania Avenue SE, Suite 340  
Washington, DC 20003  
Tel: (215) 717-3473

- Jury Trial Date March 18, 2024
- Deadline for amended pleading July 17, 2023
- Disclosure of expert testimony under Fed. Rule Civ. P. 26(a)(2) July 17, 2023
- All motions related to discovery must be filed by (LCR 7(d)) September 15, 2023
- Discovery completed by October 16, 2023
- All dispositive motions and motions challenging expert witness testimony must be filed by (LCR 7(d)) November 17, 2023
- Settlement conference held no later than January 12, 2024
- All motions in limine must be filed by February 2, 2024
- Agreed pretrial order due February 23, 2024
- Deposition Designations must be submitted to the Court (not filed on CM/ECF by (LCR 32(e))) February 26, 2024
- Pretrial conference to be held at 1:30 pm on March 4, 2024
- Trial briefs, proposed voir dire, jury instructions by March 11, 2024

Respectfully submitted,

DATED: August 14 2023

By: /s/ Gabriel Walters  
Gabriel Walters\*  
Joshua T. Bleisch\*  
Foundation for Individual Rights and  
Expression  
700 Pennsylvania Avenue SE, Suite 340  
Washington, DC 20003  
Tel.: (215) 717-3473  
[gabe.walters@thefire.org](mailto:gabe.walters@thefire.org)  
[josh.bleisch@thefire.org](mailto:josh.bleisch@thefire.org)

**STIPULATED MOTION TO AMEND  
SCHEDULING ORDER  
(2:22-cv-00964)**

FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION  
700 Pennsylvania Avenue SE, Suite 340  
Washington, DC 20003  
Tel: (215) 717-3473

1  
2 James M. Diaz\*  
3 Foundation for Individual Rights and  
4 Expression  
5 510 Walnut Street, Suite 1250  
6 Philadelphia, PA 19106  
7 Tel.: (215) 717-3473  
8 jay.diaz@thefire.org  
9

10 \*Admitted *Pro Hac Vice*  
11  
12 Robert A. Bouvatte Jr. (WSBA #50220)  
13 Robert A. Bouvatte, PLLC  
14 PO Box 14185  
15 Tumwater, WA 98511  
16 Tel.: (904) 505-3175  
17 bob@rbouvattepllc.com  
18  
19 *Attorneys for Plaintiff*  
20  
21 By: /s/ Aaron Brecher (by authorization)  
22 Aaron Brecher (WSBA #47212)  
23 Robert M. McKenna (WSBA #18327)  
24 Orrick, Herrington & Sutcliffe LLP  
401 Union Street, Suite 3300  
Seattle, WA 98101  
Tel.: (206) 839-4300  
Fax: (206) 839-4301  
abrecher@orrick.com  
rmckenna@orrick.com  
25  
26 R. David Hosp\*  
27 Kristina D. McKenna\*  
28 Orrick, Herrington & Sutcliffe LLP  
29 222 Berkeley Street, Suite 2000  
Boston, MA 02116  
30 Tel.: (617) 880-1802  
31 Fax: (617) 880-1801  
32 dhosp@orrick.com  
kmckenna@orrick.com  
33 \*Admitted *Pro Hac Vice*  
34  
35 *Attorneys for Defendants*  
36  
37 STIPULATED MOTION TO AMEND  
38 SCHEDULING ORDER  
39 (2:22-cv-00964)  
40 4

FOUNDA<sup>TM</sup>TION FOR INDIVIDUAL RIGHTS AND EXPRESSION  
700 Pennsylvania Avenue SE, Suite 340  
Washington, DC 20003  
Tel: (215) 717-3473

**CERTIFICATE OF SERVICE**

Plaintiff's counsel confirms that a true and correct copy of the foregoing was served by the Court's electronic filing system on August 14, 2023. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated below and parties may access this filing through the Court's electronic filing system.

Robert M. McKenna (WSBA# 18327)  
Aaron Brecher (WSBA# 47212)  
701 Fifth Avenue, Suite 5600  
Seattle, WA 98104  
Tel.: (206) 839-4300  
Fax: (206) 839-4301  
[rmckenna@orrick.com](mailto:rmckenna@orrick.com)  
[abrecher@orrick.com](mailto:abrecher@orrick.com)

R. David Hosp  
Kristina D. McKenna  
222 Berkeley Street, Suite 2000  
Boston, MA 02116  
Tel.: (617) 880-1802  
Fax: (617) 880-1801  
[dhosp@orrick.com](mailto:dhosp@orrick.com)  
[kmckenna@orrick.com](mailto:kmckenna@orrick.com)

### *Attorneys for Defendants*

Dated: August 14, 2023

/s/ Gabriel Z. Walters  
Gabriel Z. Walters

\*Admitted *Pro Hac Vice*  
*Attorney for Plaintiff*

**STIPULATED MOTION TO AMEND  
SCHEDULING ORDER  
(2:22-cv-00964)**

(Z.22-0v-00904)

FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION  
700 Pennsylvania Avenue SE, Suite 340  
Washington, DC 20003  
Tel: (215) 717-3473